

SB 6709 - S AMD 86

By Senator Brandland

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
4 to read as follows:

5 (1) Before imposing any legal financial obligations upon a
6 defendant who suffers from a mental health condition, other than
7 restitution or the victim penalty assessment under RCW 7.68.035, a
8 judge must first determine that the defendant, under the terms of this
9 section, has the means to pay such additional sums.

10 (2) For the purposes of this section, a defendant suffers from a
11 mental health condition when the defendant has been diagnosed with a
12 mental disorder that prevents the defendant from participating in
13 gainful employment, as evidenced by a determination of mental
14 disability as the basis for the defendant's enrollment in a public
15 assistance program, a record of involuntary hospitalization, or by
16 competent expert evaluation."

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17 On page 1, line 1 of the title, after "obligations;" strike the
18 remainder of the title and insert "and adding a new section to chapter
19 9.94A RCW."

EFFECT: Waiver of the victim penalty assessment and restitution

is disallowed for a defendant who suffers from a mental health condition. Before any other legal financial obligations may be imposed, the court must determine whether the defendant has the ability to pay.

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